

REMARKS

In response to the above-identified Final Office Action, Applicants request reconsideration in view of the following remarks. In this Response, Applicants amend claim 77. Applicants do not cancel or add any new claims. Accordingly, claims 1-6, 8-39, 41-63, and 65-82 remain pending in the Application.

I. Claims Rejected Under 35 U.S.C. § 102

Claims 1, 25, 34, 58, and 82 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,446,058 issued to Brown (“*Brown*”). Applicants respectfully traverse the rejection.

To anticipate a claim, the cited reference must disclose each and every element of the rejected claim (*see* MPEP § 2131). Among other elements, independent claim 1 defines a method for decision analysis and resolution comprising the steps of “autonomously repairing the root cause when the event can be resolved automatically.” Applicants submit that *Brown* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office characterizes Col. 7, lines 46-48 of *Brown* as disclosing the above-referenced elements of claim 1. Applicants respectfully disagree with the Patent Office’s characterization of *Brown*.

Column 7, lines 46-48 of *Brown* state:

All MessageQ alarms can now be described in terms of how they differ from this default alarm. Given values assigned to attributes, the system provides alarm status for automatic or manual resolution.

Applicants submit that the description of “automatic or manual resolution” relates to automatically or manually being able to determine the proper solution to the problem, not to repairing or correcting the root cause of the event. Specifically, in several sections, *Brown* specifically describes that it is the job of computer maintenance engineer (CME) to fix any events detected by *Brown*’s system (*see* Col. 2, lines 31-36; Col. 4, lines 28-31; and Col. 6, lines 5-8). Therefore, *Brown* fails to disclose each and every element of claim 1.

In addition, the Patent Office alleges that the disclosure of “a resolution based upon the predicates (i) through (iv)” in paragraph 10 of *Brown* is the same as “autonomously repairing the root cause when the event can be resolved automatically,” as recited in claim 1. Applicants respectfully disagree.

Applicants submit that the resolution disclosed in paragraph 10 of *Brown* provides a human with steps for solving the problem, but does not actually repair the problem itself. That is, the problem is not autonomously repaired as recited in claim 1 because a human is responsible for performing the steps that solve the problem. Therefore, *Brown* fails to disclose each and every element of claim 1.

The failure of *Brown* to disclose each and every element of claim 1 is fatal to the anticipation rejection. Therefore, claim 1 is not anticipated by *Brown*. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Regarding claims 25, 34, 58, and 82, Applicants submit that each of these claims recite elements similar to claim 1 discussed above. Therefore, Applicants submit that claims 25, 34, 58, and 82 are not anticipated by *Brown* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 25, 34, 58, and 82.

II. Claims Rejected Under 35 U.S.C. § 103

A. Kidder in view of Harvey

Claims 1, 4, 9-11, 14-17, 19-21, 23-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,445,774 issued to Kidder et al. (“*Kidder*”) in view of U.S. Patent No. 6,466,895 issued to Harvey (“*Harvey*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Among other elements, independent claim 1 defines a method for decision analysis and resolution comprising the step of: “autonomously repairing the root cause when the event can be repaired automatically.” Applicants submit that the combination of *Kidder* and *Harvey* fails to disclose at least these elements of claim 1.

In making the rejection, the Patent Office admits that *Kidder* “does not disclose automatically resolving the event when the event can be resolved automatically” (Paper No./Mail Date 20090113, page 3). Moreover, in reviewing *Kidder*, Applicants are unable to discern any sections of *Kidder* as disclosing the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” as recited in claim 1. The Patent Office relies on the disclosure in *Harvey* to cure the defects of *Kidder*; however, Applicants submit that the Patent Office has not established a *prima facie* case of obviousness and 2) *Harvey* fails to cure the defects of *Kidder*.

The Patent Office cites *Harvey* as disclosing the elements of: “automatically resolving the event when the event can be resolved automatically” (Paper No./Mail Date 20090113, page 3). Applicants point out that claim 1 recites the elements of: “**autonomously repairing** the root cause when the event can be **repaired** automatically,” which is different than the elements of: “automatically resolving the event when the event can be resolved automatically,” as set forth by the Patent Office. Therefore, the Patent Office has failed to establish a *prima facie* case of obviousness. Furthermore, *Harvey* fails to teach or suggest the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” as recited in claim 1.

In rejecting claim 1, the Patent Office cites *Harvey* as disclosing:

(Summary of the invention; “An advantage of the present invention is the ability to identify defects in a manufactured article, such as a semiconductor wafer, in a standardized qualitative manner, thereby allowing information relating to the defect to be easily linked to the defect, stored and searched. A further advantage of the present invention is the ability to include, in the identification of a defect, information relating to its cause, thereby enabling efficient identification of process problem areas, **and the relation of defect causes to corrective action.**”) and Figure 8 (Column 8; lines 1-6 “Panel 850 presents causal information gathered from prior investigation. **Panels 860 and 870 illustrate information linked to causal information 850, such as recommended corrective action and toll repair information. Panel 880 shows similar cases and their causes, and the resulting confidence level in the diagnosis of Panel 850.**”). (Paper No./Mail Date 20090113, pages 3-4, emphasis and citations in original).

Here, it is clear that the section of *Harvey* cited by the Patent Office discloses an invention that is able to identify defects and causal information for the defects, but *Harvey* does not disclose “autonomously repairing the root cause when the event can be repaired automatically,” as recited in claim 1. Specifically, the section of *Harvey* emphasized by the Patent Office states: “Panels 860 and 870 illustrate **information linked to causal information 850**, such as recommended corrective action and toll repair information.” Applicants submit that this section of *Harvey* discloses that Panels 860 and 870 supply recommended corrective action and toll repair information. Here, *Harvey*’s Panels either 1) make a recommendation; or 2) provide information about a toll repair. There is no teaching or suggestion of: “autonomously repairing the root cause when the event can be repaired automatically,” as recited in claim 1. That is, a toll repair is mentioned, but the Panel provides information about the toll repair, not that anything (i.e., a root cause) is being autonomously repaired when it can be repaired automatically.

The Patent Office further emphasizes *Harvey*’s disclosure of: “Panel 880 shows similar cases and their causes, and the resulting confidence level in the diagnosis of Panel 850.” It is clear that this section does not disclose anything being autonomously repaired because Applicants submit that this section of *Harvey* discloses a confidence level in a diagnosis, which is different than an autonomous repair of a root cause.

At least for the reasons discussed above, the Patent Office has 1) failed to establish a *prima facie* case of obviousness; and 2) the combination of *Kidder* and *Harvey* fails to teach or suggest each and every element of claim 1. Therefore, claim 1 is not obvious over *Kidder* in view of *Harvey*. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claim 1.

Claims 4, 9-11, 14-17, 19-21, and 23-24 depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit that claims 4, 9-11, 14-17, 19-21, and 23-24 are not obvious over *Kidder* in view of *Harvey* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 4, 9-11, 14-17, 19-21, and 23-24.

Regarding claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81, Applicants submit that each of these claims recite elements similar to claim 1 discussed above. Therefore, Applicants submit that claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-

74, 76-78, and 80-81 are not obvious over *Kidder* in view of *Harvey* at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 25-26, 34, 37, 42-44, 47-50, 52-54, 56-58, 61, 66-68, 71-74, 76-78, and 80-81.

B. Kidder in view of Harvey and Valadarsky

Claims 2-3, 8, 35-36, 41, 59-60, and 65 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of *Harvey* and U.S. Patent No. 7,043,661 issued to Valadarsky et al. (“*Valadarsky*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 2-3, 8, 35-36, 41 59-60, and 65 each depend from an independent claim (i.e., independent claims 1, 34, and 58) discussed above with respect to the obviousness rejection based on *Kidder* and *Harvey*. In rejecting claims 2-3, 8, 35-36, 41, 59-60, and 65, the Patent Office characterizes the combination of *Kidder* and *Harvey* similar to the obviousness rejection discussed above. Applicants have discussed above the shortcomings of the combination of *Kidder* and *Harvey* in disclosing at least the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” and submit that such discussion is equally applicable to an obviousness rejection of claims that depend from claims 1, 34, and 58 based on *Kidder* and *Harvey*. The Patent Office relies on the disclosure in *Valadarsky* to cure the defects of *Kidder* and *Harvey*; however, Applicants submit that *Valadarsky* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Valadarsky* as teaching or suggesting the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” as recited in claims 2-3 and 8 (via independent claim 1), or similarly recited in claims 35-36 and 41 (via independent claim 34), and 59-60 and 65 (via independent claim 58). Moreover, in reviewing *Valadarsky*, Applicants are unable to discern any sections of *Valadarsky* disclosing such elements. Therefore, *Valadarsky* fails to cure the defects of *Kidder* and *Harvey*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-3, 8, 35-36, 41, 59-60, and 65.

C. Kidder in view of Harvey and Paradies

Claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Kidder* in view of *Harvey* and U.S. Patent No. 6,463,441 issued to Paradies (“*Paradies*”). Applicants respectfully traverse the rejection.

To render a claim obvious, the cited references must teach or suggest each and every element of the rejected claim (*see* MPEP § 2143). Claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79 each depend from an independent claim (i.e., independent claims 1, 34, and 58) discussed above with respect to the obviousness rejection based on *Kidder* and *Harvey*. In rejecting claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79, the Patent Office characterizes the combination of *Kidder* and *Harvey* similar to the obviousness rejection discussed above. Applicants have discussed above the shortcomings of the combination of *Kidder* and *Harvey* in disclosing at least the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” and submit that such discussion is equally applicable to an obviousness rejection of claims that depend from claims 1, 34, and 58 based on *Kidder* and *Harvey*. The Patent Office relies on the disclosure in *Paradies* to cure the defects of *Kidder* and *Harvey*; however, Applicants submit that *Paradies* fails to cure such defects.

In making the rejection, the Patent Office does not cite *Paradies* as teaching or suggesting the elements of: “autonomously repairing the root cause when the event can be repaired automatically,” as specifically recited or similarly recited in claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79. Moreover, in reviewing *Paradies*, Applicants are unable to discern any sections of *Paradies* disclosing such elements. Therefore, *Paradies* fails to cure the defects of *Kidder* and *Harvey*. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5-6, 8, 12-13, 18, 22, 27-33, 38-39, 41, 45-46, 51, 55, 62-63, 65, 69-70, 75, and 79.

III. Claim Amendments

The Patent Office kindly pointed out a typographical error in claim 77. In response thereto, Applicants have amended claim 77 to depend from claim 58 instead of claim 52.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (480) 385-5060 or jgraff@ifllaw.com.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-2091 for any fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
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